

DAVID J. STOCK (SBN 85655)
MICHELLE C. TING (SBN 228963)
**RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK**
96 North Third Street, Suite 500
San Jose, California 95112
Telephone: (408) 293-0463
Facsimile: (408) 293-9514

Attorneys for Defendants
LEWIS FAMILY ENTERPRISES, INC. and
STEVEN ROBERT LEWIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FORD MOTOR CREDIT COMPANY,
LLC, a Delaware Limited Liability
Company,

Plaintiff,

vs.

LEWIS FAMILY ENTERPRISES,
INC., dba BOB LEWIS LINCOLN
MERCURY, a California corporation,
and STEVEN ROBERT LEWIS, an
individual,

Defendants.

Case No.: C 07-03301 RS

**DECLARATION OF MICHELLE C. TING IN
SUPPORT OF DEFENDANTS' NOTICE OF
MOTION AND MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO COMPLAINT**

[Fed. R. Civ. Proc. 6(b) & Civil L.R. 6-3]

Hearing Date: December 12, 2007

Hearing Time: 9:30 a.m.

Courtroom: #4, 5th Floor

Judge: Magistrate Judge Richard Seeborg

I, Michelle C. Ting, hereby declare as follows:

1. I am an attorney duly admitted and authorized to practice law in the State of California, and before the United States District Court, Northern District of California. I am an associate of the law firm of Rankin, Landsness, Lahde, Serverian & Stock, counsel for Defendants Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury, and Steven Robert Lewis ("Defendants").

2. On October 29, 2007, the Court granted Defendants' motion to set aside the Clerk's entries of default, but did not specify a time for Defendants to respond to the complaint. A copy of the Court's October 29, 2007 Order is attached as Exhibit A to the

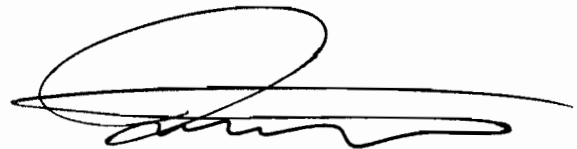
1 Request for Judicial Notice in Support of Defendants' Notice of Motion and Motion for
2 Enlargement of Time to Respond to Complaint.

3 3. On November 1, 2007, I corresponded with Donald H. Cram, III, Esq., by
4 facsimile and electronic mail, to request that his client, Plaintiff Ford Motor Credit
5 Company, LLC ("Plaintiff"), grant Defendants a twenty (20) day extension of time, or until
6 November 21, 2007, for Defendants to file a counterclaim against Plaintiff and to assert
7 various related claims against Ford Motor Company, which is the parent company of
8 Plaintiff. A true and correct copy of my November 1, 2007 letter to Mr. Cram is attached
9 hereto as Exhibit A and is incorporated herein by this reference.

10 4. On November 2, 2007, Mr. Cram responded to my November 1, 2007 letter by
11 electronic mail and facsimile transmission to express Plaintiff's unwillingness to grant the
12 additional time sought by Defendants to respond to the complaint. A copy of Mr. Cram's
13 November 2, 2007 email and accompanying letter are attached hereto as Exhibit B and
14 are incorporated herein by this reference.

15 I declare under penalty of perjury under the laws of the United States and of the
16 State of California that the foregoing is true and correct. Executed this 5TH day of
17 November 2007 at San Jose, California.

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Michelle C. Ting

Exhibit A

BERNARD P. LAHDE
MICHAEL C. SERVERIAN
DAVID J. STOCK
JON A. HEABERLIN
MICHELLE C. TING

LAW OFFICES
**RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK**
A LAW CORPORATION

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MAURICE J. RANKIN (1888-1975)
G. DAVID LANDSNESS (1944-1997)

SAN CARLOS OFFICE
939 LAUREL STREET, SUITE D
SAN CARLOS, CALIFORNIA 94070

FACSIMILE COVER SHEET
November 1, 2007

AXE
11/1/07

TO: Donald H. Cram, III, Esq. **FAX NO.:** (415) 956-0439
FROM: Michelle C. Ting
RE: Ford Motor Credit Company, LLC v. Lewis Family Enterprises, Inc., et al.
United States District Court No. C 07-03301 RS
NO. PAGES: 2 (including this page)
NOTES: Please reference the attached.

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DAVID J. STOCK
JON A. HEABERLIN
MICHELLE C. TING

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MAURICE J. RANKIN (1888-1975)
G. DAVID LANDSNESS (1944-1997)

BERNARD P. LAHDE (Ret.)

SAN CARLOS OFFICE
939 LAUREL STREET, SUITE D
SAN CARLOS, CALIFORNIA 94070

November 1, 2007

VIA FACSIMILE (415) 956-0439 &
EMAIL (dhc@severson.com) ONLY
Donald H. Cram, III, Esq.
SEVERSON & WERSON
One Embarcadero Center
Suite 2600
San Francisco, CA 94111

Re: Ford Motor Credit Company, LLC v. Lewis Family Enterprises, Inc., et al.
United States District Court No. C 07-03301 RS

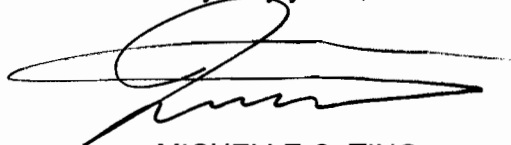
Dear Mr. Cram:

On October 29, 2007, the Court granted Defendants' motion to set aside the Clerk's entries of default. The Court's order did not specify a time for the filing of Defendants' response to the complaint. However, Defendants would request a twenty-day extension of time or until November 21, 2007, to respond to the complaint. Specifically, Defendants are in need of additional time to prepare a counterclaim against Ford Motor Credit Company and to assert various related claims against Ford Motor Company.

Because time is of the essence, if your client is amenable to stipulating to an extension of time for Defendants to respond to the complaint, please so indicate by 12:00 p.m. on Friday, November 2, 2007. Otherwise, we will necessarily commence preparation of a motion for enlargement of time to respond to the complaint pursuant to Fed. R. Civ. Proc. 6(b) and Civil L.R. 6-3.

Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,



MICHELLE C. TING

cc: Steve Lewis (via email only)

Confirmation Report-Memory Send

Time : 11-01-2007 10:11am
Tel line 1 : +14082939514
Name : RANKIN

Job number : 948
Date : 11-01 10:10am
To : 14159560439
Document Pages : 002
Start time : 11-01 10:10am
End time : 11-01 10:11am
Pages sent : 002
Status : OK

FAXED

Job number : 948

*** SEND SUCCESSFUL ***

BERNARD F. LAHDE
MICHAEL C. SERVERIAN
DAVID J. STOCK
JON A. REABERLIN
MICHELLE C. TING

**RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK**
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MAURICE J. RANKIN (1888-1975)
C. DAVID LANDSNESS (1944-1997)

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939 LAUREL STREET, SUITE D
SAN CARLOS, CALIFORNIA 94070

FACSIMILE COVER SHEET
November 1, 2007

TO: Donald H. Cram, III, Esq. **FAX NO.:** (415) 956-0439
FROM: Michelle C. Ting
RE: Ford Motor Credit Company, LLC v. Lewis Family Enterprises, Inc., et al.
United States District Court No. C 07-03301 RS
NO. PAGES: 2 (including this page)
NOTES: Please reference the attached.

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Exhibit B

Michelle C. Ting

From: Donald H. Cram [dhc@severson.com]
Sent: Friday, November 02, 2007 10:11 AM
To: Michelle C. Ting
Subject: RE: Ford Motor Credit v. Lewis
Attachments: BobLewisLMTingRespLtr.pdf

Dear Ms. Ting:

Attached is letter unfavorably responding to the Defendants' request. Also, could you let me know your or Mr. Stock's availability to meet and confer pursuant to the Court's Order setting the Case Management Conference.

Don Cram

Donald H. Cram, III

Severson & Werson, P.C.
One Embarcadero Center
26th Floor
San Francisco, CA 94111
Direct Line: (415) 677-5536
Direct Fax: (415) 677-5664

-----Original Message-----

From: Michelle C. Ting [mailto:MTing@rlss.com]
Sent: Thursday, November 01, 2007 9:44 AM
To: Donald H. Cram
Cc: David J. Stock
Subject: Ford Motor Credit v. Lewis
Importance: High

Dear Mr. Cram:

Please reference the attached letter concerning a request for enlargement of time for Defendants to answer the complaint.

Michelle C. Ting
RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK,
A LAW CORPORATION
96 North Third Street, Suite 500
San Jose, CA 95112
(408) 293-0463
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Severson & Werson

A Professional Corporation

Donald H. Cram
Associate
Direct Line: (415) 677-5536
dhc@severson.com

One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439

November 2, 2007

VIA FACSIMILE AND EMAIL

Michelle C. Ting, Esq.
Rankin, Landsness, Lahde, Serverian & Stock
96 North Third Street, Suite 500
San Jose, CA 95112-5572

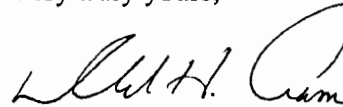
Re: *Ford Motor Credit Company, LLC v. Lewis Family Enterprises, Inc., et al.*
Case No. C 07-03301 RS

Dear Ms. Ting:

I am responding to your letter dated November 1, 2007, wherein the Defendants have requested additional time to respond to the Complaint, specifically to prepare a counterclaim against Ford Motor Credit Company, LLC ("Ford Credit") and to assert claims against Ford Motor Company. I am unable to give you a favorable reply. Ford Credit is unwilling to grant the Defendants the additional time they seek.

Please advise me of your availability to discuss the items referred to in Civil LR 16-10 so that we can prepare and submit a Joint Case Management Conference Statement due November 21, 2007, pursuant to the Court's Order Setting Case Management Conference.

Very truly yours,



Donald H. Cram

DHC:dc

cc: Anita L. Whisnant, Esq.
Duane M. Geck, Esq.